

# Committee on Resources

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Subcommittee on National Parks, Recreation and Public Lands  
Committee on Resources  
U.S. House of Representatives  
Committee on Resources  
Washington, D.C. 20515

Re:  
Oversight Hearing to Examine Implementation of the Yosemite Valley Plan

Mr. Chairman and Honorable Subcommittee Members:

Thank you for inviting me to testify before the Subcommittee with respect to the implementation of the Yosemite Valley Plan. I represent no organization, and will appear only on behalf of myself, my family, friends, and people everywhere like me. I will be testifying to repay a great personal debt to the place, tradition, people and spirit that are Yosemite Valley. I represent the many millions of people whose life-experience and life-outlook has been formed by their visits to Yosemite Valley and Yosemite National Park. We have a love affair with this place, and want as much as anyone to protect and preserve it. I hope my testimony on behalf of those people will provide a foundation for your oversight to ensure that no one constrains access to Yosemite Valley through planning efforts that offer little real benefit to the environment, and diminish the education, enjoyment, and enrichment of visitors to the crown jewel of our National Park system.

## Background

I will be testifying as a typical Yosemite camper and enthusiast; one who today is a father, a husband, and a lawyer, and as one who has visited Yosemite many times as a student and a child. My law practice today focuses on land use planning, environmental law, and related litigation. I have been responsible for coordinating major planning efforts for university campuses, hospitals, art museums, movie studios, shopping centers, hotels, and residential and commercial developments. I have significant expertise in air, water quality, biotic, traffic and parking and historical issues. I serve on a community planning commission in Los Angeles, where I reside.

One of my proudest professional accomplishments though, was my representation of the Ansel Adams Publishing Rights Trust for several years. In fact, the primary reason I chose the first law firm for which I worked was that one of their clients was the Ansel Adams Publishing Rights Trust. I figured that even though they were a "corporate" law firm (you must understand that I was a graduate of Boalt Hall at U.C. Berkeley), they couldn't be all bad if they represented Ansel Adams. I was right.

Ansel Adams was a personal hero. My father had passed on to me a love of photography and art, which I combined with a passion for the mountains and wilderness. Ansel saw many things as I did. As the Trust's lawyer, I created its copyright protection program, and oversaw many of its licensing activities.

Ansel Adams first visited Yosemite Valley when he was fourteen. My first visit occurred in 1968, when I was 12 years old. It was also my first visit to any National Park. My family and I stayed at the Lodge. My grandmother was along. My family had no camping experience and my grandmother was elderly and not able to get around well. If the accommodations at the Lodge had not been available, our visit would not have been possible, and we might have passed-over Yosemite entirely.

I remember the feeling of walking to the Lodge cafeteria, breathing the fresh air scented with pine, and looking up at the blue sky and amazing cliffs surrounding me each morning. I felt as if I was standing in the most magnificent cathedral in the world. Why do I remember that feeling so vividly? Because it is the same feeling I experience every morning I have woken up in Yosemite. It's an experience that deeply touches the soul. Members of the Subcommittee, I hope that you and the National Park Service will ensure that as many people as possible are able to have that extraordinary experience. We can preserve the opportunity for that

experience and protect the Park. That's the point of everything in my testimony.

While I was in high school, I attended the Yosemite Institute in the Valley. That kindled my interest in mountaineering. When I was 16, my friends and I slipped our respective parental leashes, and rode the Greyhound bus to camp in Yosemite Valley. We camped at the Upper River campground. As campers and hikers, we were largely buffoons, but we were enthusiastic and willing to tolerate a moderate level of discomfort. Camping in Yosemite Valley offered us the attraction, but more importantly the opportunity to learn and mature. Like it was for Ansel Adams, and like it is for so many others, Yosemite Valley was our school room.

I moved to Berkeley, California to attend college. Yosemite Valley became my jumping off point to explore other parts of the Park and the High Sierra. I visited the Valley every year, and sometimes several times a year. Sometimes, I camped in the Valley for fun. At other times, it was all I could afford. Because of its peaceful setting, Upper River was always my campground of choice, although I have probably camped in every campground in the Valley, including the Climbers' Camp.

I began exploring Yosemite National Park from the Valley base; hiking up and out of the Valley on every one of the trails beginning there. As a young backpacker, I made every mistake in the book. I began with no money and no equipment of which to speak. In his *An Autobiography*, Ansel Adams tells the very same story. During his first visits to the Valley, Ansel Adams and his family lodged at Camp Curry. He later camped and made short hikes out of the Valley. He had no real equipment or knowledge, and had the same awkward misadventures that I did. It was only in 1920, after several visits to the Valley that he made his first High Sierra trip under the supervision of his early mentor, Francis Holman. In the Valley, Holman could always be found at the river campground.

As I became more experienced, I took on the High Sierra with extended backpacking trips throughout Yosemite, Kings Canyon and surrounding National Forest lands. I studied the mountains as a librarian's assistant at the U.C. Berkeley Map Library. I camped in the summer and winter. When I was a sophomore at Cal, I was carried out of the backcountry with hypothermia one winter (boy, did I learn a lesson!). By the time I graduated college, I'd hiked to many wondrous destinations in the backcountry, which are infinite in number, and all of which I will never be able to see. I've hiked the marked trails and have navigated and clambered cross-country as well.

All of my friends had to suffer my passion for Yosemite and the mountains. Together with them, I've enjoyed most of the visitor experiences the Park has to offer and stayed at every type of accommodation here, including the campgrounds, Curry Village, Housekeeping, the Lodge, the Ahwanee, Wawona, and the High Sierra camps. I learned how to ski at Badger Pass from Nick Fiori, another living legend. I've cross-country skied and snow-shoed. I've rock climbed with the Yosemite Mountaineering school. I've rafted raftable portions of the Merced, and fished most everywhere that offered a decent prospect. I've skated in the Valley in the winter, and swam every lake whose temperature I could tolerate in the summer. I've ridden into the backcountry on mules, and plan to do a stock trip to the high county this summer with my family out of Red's Meadow in the eastern Sierra. Horses and mules can be a wonderful experience, and are part of the mountain tradition. I've had my food stolen by a bear in the upper reaches of Tuloume Meadows even though I counter-weighted the stuff-sacks and hung them ten feet from the trunk and twelve feet off the ground (or was it the other way around). I starved the rest of the trip (it was a solo hike), but refused to leave out of resentment against the bear.

The reason I relate these experiences is not just that they are important to me. They are the stuff that life-long conservationists are built-from. And they are offered in a wholly unique combination and setting in Yosemite Valley. If we curtail the availability of these experiences or eliminate them, we not only deny people life-enrichment, but we also destroy the future audience for our National Parks and wilderness areas. And as a nation, we will tend to create tourists who are content to be managed and "bussed-in" and "bussed-out," instead of independent and self-reliant outdoorsmen and women. It is ironic that organizations like the Sierra Club and Wilderness Society, whose membership foundation is built upon people who simply enjoy the outdoors, would now support reducing access to formative outdoor experiences.

After all, the classic outings of the Sierra Club are described by Ansel Adams in his *An Autobiography* with great enthusiasm as anything but "zero impact." Adams relates backcountry trips to magnificent settings featuring fifty or more mules, roaring bonfires, feasts, orchestras and plays staged in full costume. One would think that organizations with this rich heritage would be supportive of enhanced – not reduced – basic family and introductory camping. Ansel Adams started as a basic family camper and became a conservation

icon. Our goal should be to foster the creation of more people like Ansel Adams.

To briefly conclude, and then on to the Yosemite Valley Plan. In 1985, I became engaged to my wife at an outlook on the Snow Creek trail in Yosemite Valley. At the time, I couldn't afford a diamond ring. In 1986, while on a two-week backcountry trip out of Tuloumne Meadows, my wife and I decided to become parents. I threatened to name my first daughter "Townsley" after the lake where we made the decision. Several years later we came back on a winter trip to the Valley, and I presented with my wife with a diamond ring in front of our kids during a day hike through the snow. When we lived closer to the Park, we celebrated my wife's birthday (December 16th) at the Ahwanee dining room (the most beautiful dining room in California) every year. My kids (now 15 and 12) have grown up with the Park being a part of their life. My younger daughter, Natalie, caught her first keeper – an 18" rainbow – at Vogelsang Lake (at 10,500 feet). What a place to catch your first keeper. It was cooked-up for us at breakfast at Vogelsang High Sierra Camp. The whole dining room stood up and cheered Natalie when the fish was served.

### The Yosemite Valley Plan

As a planner, a land use attorney, and a lover of Yosemite National Park, I've reviewed the plan before you today. The Yosemite Valley Plan contains many ideas that are commendable, but it is deficient in that it fails to restore sufficient visitor accommodations in the Valley. It is true that the 1997 floods washed-away some eyesores (floods always do), but it is shocking that the preparers of the Plan would choose the word "opportunity" to describe the devastation wreaked by the floods. See Executive Summary at Page 7.

The Final Environmental Impact Statement for the Plan presents its Preferred Alternative as increasing the amount of visitor accommodations in the Valley. As many commentators to the EIS recognized, this is only technically true and not useful to meaningful public discussion.

The 1997 floods destroyed about 40% of the campsites in the Valley, and a significant number of hotel and cabin units as well. The Final EIS presents post-flood conditions as a baseline, and does not focus on what has been lost or what is necessary to replace it. Not even as an alternative. The Final EIS states that the Plan will increase the number of existing campsites in the Valley from about 475 to 500. But this is no increase at all. If you and the National Park Service implement the Preferred Alternative before you, you will permanently eliminate 40% of Yosemite Valley's historic camping sites.

The Plan's treatment of the Lodge is similarly deficient. The Plan does not discuss pre-flood conditions. Before the floods, there were approximately 495 rooms at the Lodge. According to National Park Service information, today there are only 245. The Plan proposes 251 units. Thus, if the Plan is implemented, approximately half of the accommodations at the Lodge will be lost forever.

The picture at Curry Village is not clear. Today according to internet information, there are approximately 628 guest accommodations (motel rooms, cabins and tent-cabins) at Curry Village. The Preferred Alternative suggests 487 future units; an apparent reduction of 141 units. Similarly, Housekeeping Camp is described as providing 266 tent-cabin units. The Preferred Alternative proposes 100; a 62% reduction.

If these assumed numbers are correct, the Plan will eliminate approximately half of the Valley's historic visitor accommodation capacity; approximately 325 campsites, 385 units at the Lodge and Curry Village, and 166 units at Housekeeping Camp.

I am fully aware that there are those who would affirmatively support reducing visitor access to the Valley because of their commitment to what they term "ecological values." However, most of those who espouse this viewpoint know that their reasoning and objectives would never be accepted by the public or by Congress. We entrust the great men and women of the Park Service the stewardship of the Parks so that current and future generations can enjoy them; a noble mission.

It is a shame then, that the Final EIS terms the 1997 floods an "opportunity." The only apparent opportunity in what was in fact a tragedy, was the "opportunity" to avoid confronting a serious public policy decision – an affirmative decision to decrease public access to Yosemite Valley – a decision that would never stand up to meaningful public discussion or analysis. For this reason, the Final EIS conveniently assumes there will be no impact on visitation levels if the Plan is implemented.

People like me are relying on you, as our elected representatives, to consider whether the Plan will in fact, reduce the access and enjoyment of visitors to the Valley. The only reasonable conclusion is that it will. Half

of those historically able to experience an overnight stay in the Valley will be shut out and reduced to the status of "bus tourists."

You should be insisting that the Park Service investigate ways to restore and preserve the experience of a stay in Yosemite Valley while furthering resource protection. The Final EIS does not ask that question. For example, automobile management has been improved in the Valley over the past decades. We should be looking at and investing in more ways to reduce unnecessary automobile trips to Yosemite. We should be looking at ways to improve the Valley's air quality (particulate emissions) by, for example, controlling visitor campfires. We can do these things without being anti-people. We can educate Park visitors, and plan and distribute Valley campgrounds, so that they respect sensitive riparian areas. When asked to do so, people have acknowledged and respected Yosemite's resources. That's part of Yosemite's tradition.

The Final EIS makes no real effort to analyze the planning, logistical and environmental issues that would be required for its Preferred Alternative to succeed (indulging the counter-intuitive assumption that the Plan would not cause visitation to be reduced). For example, there has been no real analysis of the ability of communities and areas outside of the Valley to successfully absorb the displaced level of overnight accommodations, or the environmental impacts of such displacement. Similarly, there has been no real analysis of the feasibility or timing of the transportation system (YARTS) that would be needed to successfully bring visitors to and from the Valley. The Final EIS simply states that these issues are beyond its scope. This is technical, but not true, planning. Hiding behind the procedural and scope limitations of the EIS process is just an excuse for failing to confront the obvious implication that if the Plan is implemented, many persons who would have otherwise visited the Valley will not come at all.

Moreover, the real benefits of the Plan are questionable. It is true that the Plan would revert historic accommodation sites to a more natural condition, and create more areas for passive use in the Valley. But, if one seeks quietude in the Valley, it has always been available at wonderful places away from the Valley's most notable features and destinations. Those who seek those places out know that. Further, if we indulge the Final EIS' assumption that the Plan will not diminish visitation, then there is no reason to assume that popular visitor destinations (trails, waterfalls, etc.) will be any less congested during peak visitation periods.

The real ecological benefits of the Plan, particularly as part of the bigger picture of the Park and regional ecosystem, are equally questionable. That is, of course, unless one assumes that the objective of the Plan is to decrease visitation to the Valley. Many areas to be restored are immediately adjacent, or proximate, to urbanized areas of the Valley. These areas will still both experience and be surrounded by visitation activity. The Valley is not and will never be a true wilderness area. Thus, it must be managed as most appropriate. While the appearance of certain areas of the Valley would admittedly be improved by the Plan, decreasing access cannot be truly justified on an environmental basis.

## Conclusion

These days I do not often camp in Yosemite Valley. I am, in fact, somewhat crowd-averse and have learned to avoid the Valley during peak visitation periods. I also have acquired the interest and skill-set necessary to seek solitude and wilderness in other locations. Those who prefer to avoid Yosemite Valley's crowds can make the very same choice. They need not pressure the National Park Service to shut people out of Yosemite Valley. When I do visit Yosemite Valley crowded with families and children and fumbling campers and hikers, I smile. I see my own learning, love, and experience reflected in theirs. They are "in school." I hope they will go further into the outdoor experience and become life-long conservationists. I would like to think that Ansel Adams would smile too.

On the morning of April 22nd, each of you will enjoy the soul-stirring experience of rising from your slumber to stand in the most magnificent cathedral in the world. Let's restore the opportunity for that experience to as many people as possible. Please don't relegate Park visitors to "bus tourist" status. Let's recognize the value of Yosemite Valley as one of our nation's most important school rooms. There are many more Ansel Adams coming along. Let's put our resources and attention to work on solving Yosemite Park's real environmental issues and challenges. A second Yosemite Valley sits not far away beneath a reservoir. Someday, I would like to stroll through its woodlands and meadows, maybe camp there, and ponder the problem of dealing with the throngs who will want to come to experience it.

Thank you very much for your time and attention.

Very truly yours,

Allan J. Abshez

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